

Exhibit D - US Patent No. 7,495,659**Agreed Constructions**

Claim Term, Phrase, or Clause	Agreed Construction
“Cartesian coordinates” (claims 6, 8)	“x and y axis coordinate system”
“relative mode” (claim 12)	“reporting an object’s position relative to its prior position”
“absolute mode” (claims 10, 12)	“reporting an object’s position with respect to the coordinate system”

Disputed Constructions

Claim Term, Phrase, or Clause	Apple’s Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan’s Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
“sensors configured to map the touchpad surface into native sensor coordinates” (claim 1)	“sensors configured to map the touchpad surface into the sensor coordinates of the touchpad”	Claim 1; 2:29-40; 2:57-3:1; 3:23-33; 5:38-60; 6:51-64; 9:49-57; 14:25-31; 16:27-37; 20:6-67	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	sensors configured to produce signals indicating native sensor coordinates	‘659 patent cols. 2:7-3:19, 5:30-6:3, 13:63-14:31; Figs. 1, 3-5, 11 and 12-15 and corresponding text; Claims 1, 6-7, 15-16, 20-21, 28, and 32-33. ‘659 patent prosecution history including	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. U.S. Patent No.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					the 6/2/2006 office action pp.6-8, the 10/2/2006 response pp. 6-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 12/13/2007 response pp. 2, 5-6, 8 and 11-12, the 1/30/2008 office action pp. 3-5 and 11-13, the 9/29/2008 RCE Request pp. 2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, the 12/4/2008	4,293,734 to Pepper (Bates. No. ELN16884-900) ("Pepper"), U.S. Patent No. 4,293,734 to Prosenko (Bates. No. ELN016564-78) ("Prosenko"), U.S. Patent No. 6,610,936 to Gillespie (Bates. No. ELN016145-201) ("Gillespie '936"), U.S. Patent No. 5,768,492 to Gillespie (Bates. No. ELN015862-901) ("Gillespie '492"), Summagraphics CR1212 Graphics Tablet Technical Reference (Bates Nos.

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					Examiner's Amendment; and references cited therein.	ELN016258-310) ("Summagraphics"), Elographics and Elo TouchSystems references disclosed with Elan's Invalidity Contentions (Bates Nos. ELN016311-538) ("Elographics"), and Logitech Firmware Engineering Specification (Bates Nos. ELN016539-63) ("Logitech") as cited in Elan's Invalidity Contentions. <i>IEEE 100: The Authoritative Dictionary of IEEE Standards Terms</i> , 7th ed. (c) 2000, ("IEEE

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						Dictionary” pp.664-65 (Bates Nos. ELN017225-31).
“native sensor coordinates” (claims 1, 6)	“the sensor coordinates of a touchpad”	Claim 1; Claim 6; 2:29-40; 3:23-33; 5:28-60; 6:51-64; 9:49-57; 10:8-24; 10:39-45; 14:25-31; 16:27-37	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	coordinates indicating the absolute position of an object on or near the touch pad	‘659 patent cols. 2:7-3:19, 5:30-6:3, 13:63-14:31; Figs. 1, 3-5, 11 and 12-15 and corresponding text; Claims 1, 6-7, 15- 16, 20-21, 28, and 32-33. ‘659 patent prosecution history including the 6/2/2006 office action pp.6-8, the 10/2/2006 response pp. 6-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-8,	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie ‘936, Gillespie ‘492, Elographics and Logitech.as cited in Elan’s Invalidity Contentions.

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					10-12, the 12/13/2007 response pp. 2, 5-6, 8 and 11-12, the 1/30/2008 office action pp. 3-5 and 11-13, the 9/29/2008 RCE Request pp. 2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, the 12/4/2008 Examiner's Amendment; and references cited therein.	
"new values associated with logical device units" (claim 1)	"new values associated with the one or more areas of the touch pad that can be actuated by a user"	Claim 1; 3:23-33; 6:51-64; 8:4-12; 10:39-60; 13:45-62; 14:19-31; 659 FH 0146	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	new values indicating logical device units	'659 patent cols. 2:7-4:8, 6:4-8:14, 9:58-10:45, 13:31-18:67; Figs. 2, 3-15 and corresponding text; Claims 1, 21, 23, 28, and 32-33. '659 patent	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim

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					prosecution history including the 6/2/2006 office action pp.6-8,, the 10/2/2006 response pp.6-9, 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5-6, 8 and 11-12, the 1/30/2008 office action pp.3-6 and 11-13, the 9/29/2008 RCE	terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, U.S. Patent App. 2003/0117380 by Kanzaki (Bates Nos. ELN015419-27) ("Kanzaki") and U.S. Patent No. 5,189,732 to Kondo (Bates Nos. ELN015385-94) ("Kondo") as cited in Elan's Invalidity Contentions. <i>IEEE Dictionary</i> , p.56 (Bates Nos. ELN017225-31).

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					Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, and the 12/4/2008 Examiner's Amendment; and references cited therein.	
"one or more logical device units" (claims 1, 8, 10, 12, 13)	"one or more actuation zones representing one or more areas of the track pad encompassing native sensor coordinates"	Claim 1; Claim 8; Claim 10; Claim 12; Claim 13; 3:23-33; 6:29-50; 6:65-7:21; 10:8-60; 14:19-31; 659 FH 0146	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	discrete user actuation zones representing areas of the touch pad encompassing groups of native sensor coordinates	'659 patent cols. 2:7-4:8, 3:22-4:8, 9:58-10:45, 13:31-18:67; Figs. 1-3, 5-15 and corresponding text; Claims 1, 5, 21, 28-30, and 32-36. '659 patent prosecution history including but not limited to the 6/2/2006 office action pp.6-8, the 10/2/2006 response pp. 6-	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech ,

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					11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-7, 9- 12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5- 6, 8 and 11-12, the 1/30/2008 office action pp.3-5 and 10- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, and the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11; and	<i>IEEE Dictionary</i> , p.638 (Bates Nos. ELN017225-31).

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					references cited therein..	
"adjust the native values" (claim 1)	No construction necessary.	Claim 1; 3:23-33; 6:29-50; 6:65-7:21; 8:4-12; 13:45-62; 14:19-31		The controller, after receiving the native values, adjusts the form of native values This may include converting multiple native values into a single native value.	'659 patent cols. 2:7-4:8, 6:4-8:14, 9:58-10:45, 13:31-18:67; Figs. 2, 3-15 and corresponding text; Claims 1, 21, 23, 28, and 32-33. '659 patent prosecution history including the 6/2/2006 office action pp.6-8, the 10/2/2006 response pp.6-9, 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, Kanzaki and Kondo.

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					Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5-6, 8 and 11-12, the 1/30/2008 office action pp.3-6 and 11-13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, and the 12/4/2008 Examiner's Amendment; and references cited therein.	
"associated with areas of the touchpad" (claim 1)	No construction necessary.	Claim 1; 3:23-33; 6:29-50; 6:65-7:21; 10:8-60; 14:19-31		associated with discrete user actuation zones within the touchpad	'659 patent cols. 2:7-4:8, 6:4-8:14, 9:58-10:45, 13:31-18:67; Figs. 2, 3-15 and corresponding	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have

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					text; Claims 1, 21, 23, 28, and 32-33. '659 patent prosecution history including the 6/2/2006 office action pp.6-8, the 10/2/2006 response pp.6-9, 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5-6, 8 and 11-12, the 1/30/2008	read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, Kanzaki Kondo..

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					office action pp.3-6 and 11-13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, and the 12/4/2008 Examiner's Amendment; and references cited therein.	
"actuated by a user" (claim 1)	No construction necessary.	Claim 1; 3:23-33; 7:12-20; 7:32-47; 15:62-16:2; 16:38-39; 16:50-62; 17:2-5; 17:17-28; 19:62-20:4		actuated by contact with the user's finger or object controlled by the user	'659 patent cols. 2:7-4:8, 5:30-6:3, 7:23- 8:30, 8:61-9:57, 12:62-18:67; Figs. 1, 3-5, 11 and corresponding text; Claims 1, 13 28, and 32-33. '659 patent prosecution history including the 6/2/2006	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936,

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					office action p.6-8, the 10/2/2006 response pp.6-7 and 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-7, 9-12, the 12/13/2007 response pp.2, 5-6, 8 and 11- 12, the 1/30/2008 office action pp.3-5 and 11-13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11; and references cited therein.	Gillespie '492, Elographics, Logitech and Kanzaki as cited in Elan's Invalidity Contentions. <i>IEEE Dictionary</i> , p.15 (Bates Nos. ELN017225-31). <i>The Illustrated Dictionary of Electronics</i> , 8th ed. (c) 2001 ("Illustrated Dictionary"), p. 13 (Bates Nos. ELN017225-31).
"filtering"	No construction	Claim 1; Claim		Deciding	'659 patent cols.	Mr. Dezmelyk is

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(claims 1, 2)	necessary.	2; Fig. 5; 3:34-56; 5:19-27; 6:4-28; 8:59-9:3; 9:3-11; 9:28-36; 9:58-10:38; 10:8-38; 11:7-10; 659 FH 0149; 659 FH 0207-08; 659 FH 0230; 659 FH 0276; 659 FH 0288; 659 FH 0406		whether to report the new values to the host device based on the native values	3:33-43, 6:4-8:14; Figs. 5-7 and corresponding text; Claims 1-5, 21, 26-27, 28, and 32-33. '659 patent prosecution history including the 6/2/2006 office action pp.6-9, the 10/2/2006 response pp.9-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5-8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007 Interview Summary Continuation Sheet, the	expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, U.S. Patent No. 7,030,860 to Hsu (Bates No. ELN016202-17) ("Hsu"), U.S. Patent No. 7,292,229 to Morag (Bates No. ELN016226-57) ("Morag") and U.S. Patent No.

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					12/13/2007 response pp.2, 5-6, 8 and 11-12, the 1/30/2008 office action pp.3-5 and 10-13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, and the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11; and references cited therein.	5,305,017 to Gerpheide (Bates No. ELN015395-418) ("Gerpheide") as cited in Elan's Invalidity Contentions. <i>Illustrated Dictionary</i> , p. 284 (Bates Nos. ELN017240-48).
"removing redundant or non-essential data" (claim 2)	"eliminating data that is redundant or not essential to the processing of touch inputs"	Claim 2; Fig. 5; 3:44-56; 5:19-27; 6:7-28; 7:59-8:3; 9:7-11; 9:58-10:38; 11:7-9	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	not reporting redundant or non-essential data to the host device	'659 patent cols. 3:33-43, 6:4-8:14; Figs. 5-7 and corresponding text; Claims 1-5, 21, 26-27, 28, and 32-33. '659 patent prosecution history including the 6/2/2006 office action	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko,

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					pp.6-9, the 10/2/2006 response pp.9- 11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5- 6, 8 and 11-12, the 1/30/2008 office action pp.3-5 and 10- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, and the 10/27/2008	Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, Hsu, Morag and Gerpheide as cited in Elan's Invalidity Contentions.

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					Amendments & Remarks pp. 2, 7, 10-11; and references cited therein.	